

92001/2832

PATENT
Docket No. 5000-4999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kitaru IWATA et al.

Group Art Unit: 2832

Serial No.: 10/081,541

Examiner: Lincoln D. Donovan

Filed: December 19, 2000

For: ELECTROMAGNETIC ACTUATOR AND METHOD FOR MANUFACTURING
ELECTROMAGNETIC ACTUATOR, AND CONTROL VALVE FOR VARIABLE
DISPLACEMENT COMPRESSOR USING ELECTROMAGNETIC ACTUATOR

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.8(a))

I hereby certify that the following attached paper(s) and/or fee

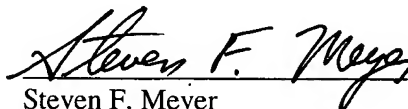
1. Request for Withdrawal of Improper Notice of Abandonment,
2. Attachments (Exhibits A-C), and
3. Return Receipt Postcard

are being deposited with the United States Postal Service on the date indicated below with sufficient postage as first-class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

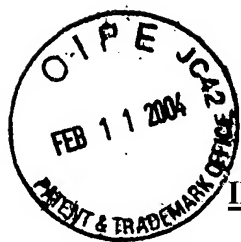
Respectfully Submitted,

MORGAN & FINNEGAN, LLP

Dated: February 9, 2004


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**REQUEST FOR WITHDRAWAL OF
IMPROPER NOTICE OF ABANDONMENT**

Sir:

The Notice of Abandonment, which was mailed on January 27, 2004, states that the subject application is abandoned in view of a Response not being received in response to the May 5, 2003 Restriction Requirement. A copy of the Notice of Abandonment is enclosed as Exhibit A. Applicants respectfully request the withdrawal of the Notice of Abandonment because the Patent Office has, in fact, received a Response.

On May 30, 2003, Applicants timely filed a Response to the Requirement for Restriction (which was mailed on May 2, 2003). A copy of the Response is enclosed as Exhibit B. A copy of the return receipt postcard, which is enclosed as Exhibit C, evidences that the Patent Office received the Response on June 2, 2003.

CONCLUSION

The Notice of Abandonment should be withdrawn because Applicants did, in fact, timely respond to the May 2, 2003 Requirement for Restriction.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 9, 2004

By: Steven F. Meyer
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